

Application No.: 10/815,773
Amendment dated December 27, 2006
Reply to Office Action dated September 27, 2006

Docket No.: 0649-1007PUS1
Art Unit: 3748
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REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-22 are pending. All claims remain unchanged and as previously presented in the Reply dated September 5, 2006. Claims 1 and 8 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the remarks set forth herein.

Withdrawal of Finality of Rejection / Reasons for Entry of Amendments

At the outset, it is respectfully submitted that the Examiner has erred in his rejection of the claims. As argued below, each of independent claims 1 and 8 as previously presented in the Reply dated September 5, 2006 sets forth a combination of elements not taught or suggested by the references cited by the Examiner.

It is therefore requested that the Finality of the Rejection be Withdrawn, and that this Reply be entered into the Official File in view of the fact that independent claims 1 and 8 as previously presented automatically place the application in condition for allowance.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Reply be entered for the purpose of appeal. This Reply was not presented at an earlier date in view of the fact that the Examiner has just now presented new grounds for rejection in this Final Office Action.

Rejections Under 35 U.S.C. §102(b) and §103(a)

Claims 1-6 and 21 stand rejected under 35 U.S.C. §102(b) as being anticipated by Parsons (U.S. 3,237,716);

claims 6-20 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Parsons in view of Tsuruta et al. (U.S. 6,530,443); and

claims 15-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Parsons in view of Inoue et al. (U.S. 6,537,338).

These rejections are respectfully traversed.

Arguments Regarding Independent Claims 1 and 8

As noted above, each of independent claims 1 and 8 as previously presented sets forth a novel combination of features, including *inter alia*

the attachment member being formed with a single curved arc-shaped contact portion and a pair of attachment portions, the attachment portions being formed on outward sides of the arc-shaped contact portion in a radial direction thereof ... an inner-peripheral face of the arc-shaped contact portion of the attachment member contacting an outer-peripheral face of the exhaust pipe.

The combination of elements set forth in each of independent claims 1 and 8 can be seen in FIGS. 7(a) and 8(c), which clearly illustrates, for example, the attachment member being formed with a single curved arc-shaped contact portion (46b) and a pair of attachment portions (48), the attachment portions (48) being formed on outward sides of the arc-shaped

contact portion (46b) in a radial direction thereof ... an inner-peripheral face of the arc-shaped contact portion (46b) of the attachment member contacting an outer-peripheral face of the exhaust pipe.

The Applicants respectfully submit that the combination of features set forth in each of independent claims 1 and 8 is not disclosed or made obvious by the prior art of record, including Parsons and Tsuruta.

In contrast to the present invention, as can be seen in Fig. 2 of Parsons, this document merely discloses

an attachment member (17) formed with:

a pair of attachment portions (20) attached to an outside of the exhaust pipe; and a single curved arc-shaped contact portion (17a) that is formed on outward side of the attachment portion (20).

That is, the structure of Parsons is opposite to the claimed structure. The positional relation of the curved arc-shaped contact portion and the attachment portion of the present invention is an inversed relation to that of Parsons.

Due to this structural difference, Parsons fails to disclose a band member fitted around an outer-peripheral face of the arc-shaped contact portion.

According to these differences, the Applicant strongly believe that the claimed invention has novelty over Parsons.

Due to the afore-mentioned differences, following advantages are achieved.

In Parsons, as shown in Fig.2, most of the portions of the band member (21) directly contact the exhaust pipe. Only the attachment portion (20) of the attachment member (17) is disposed between the band member (21) and the exhaust pipe.

In addition, only at the attachment portion (20) of the attachment member (17), do the band member (21) and the attachment member (17) contact each other. Therefore, rigidity between that attachment member (17) and the band member (21) is low. In contrast thereto, according to the present invention, the band member is fitted around the arc-shaped contact portion of the attachment member of which shape is along with a curvature of the band member. Thus, the contacting area between the band member and the attachment member is large, which contributes to improve the rigidity between attachment member and the band member.

The above described advantages of the present invention are not taught or suggested in Parsons.

The Tsuruta document was cited merely to teach a J-shaped exhaust pipe, and therefore cannot make up for the deficiency of Parsons to reject independent claim 8.

At least for the reasons described above, the Applicants respectfully submit that the novel combination of features set forth in each of independent claims 1 and 8 is not disclosed or made obvious by the prior art of record, including Parsons and Tsuruta. Therefore, independent claims 1 and 8 are in condition for allowance. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) are respectfully requested.

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Dependent Claims

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

All claims of the present application are in condition for allowance.

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CONCLUSION

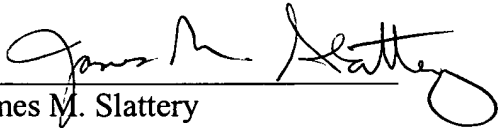
It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 208-4030 (direct line).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Dated: December 27, 2006

Respectfully submitted,

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